

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

V.

**HYUNDAI MOTOR MANUFACTURING
ALABAMA, LLC, and HYUNDAI MOTOR
AMERICA, INC.,**

Defendants.

CIVIL ACTION NO.:
2:07-cv-00306-MHT-CSC

MOTION TO QUASH SUBPOENA

COMES NOW a non-party, Industrial Case Management, Inc. (“ICM”) and moves this Honorable Court for an Order directing that the records and/or oral testimony of this non-party as they pertain to **JAMES A. BROOKSHIRE** remain confidential and this Honorable Court issue an Order quashing the subpoena served upon the Movant requesting medical/psychiatric records related to the foregoing individual and for grounds would show as follows:

1. ICM is not a party to this action and is a health care services provider which operates a medical and emergency care clinic onsite at HMMA's manufacturing facility.
2. Pursuant to Sec. 34-26-2, Code of Alabama, (1975); the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and the psychotherapist privilege afforded by the United States Supreme Court to licensed psychiatrists in the case of Jaffe v. Redmond, 518 U.S. 1, 15, 134 L.Ed. 2d 337, 116 S.Ct. 1923 (1996), ICM's records contain information gathered pursuant to employer drug and alcohol testing and the subsequent assessment, referral and psychiatric treatment of **JAMES A. BROOKSHIRE** and is therefore confidential information and is not subject to disclosure. To require production of ICM's records would

defeat the psychiatrist/patient privilege between Brookshire and Dr. Saeed A. Shah of Alabama Psychiatric Services, P.C.

WHEREFORE, PREMISES CONSIDERED, ICM respectfully requests this Honorable Court quash the subpoena seeking information relating to JAMES A. BROOKSHIRE.

Respectfully submitted this 17th day of January, 2008.

/s/ Henry C. Barnett, Jr.

Henry C. Barnett, Jr.

Capell & Howard, P.C.

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Attorney for Industrial Case Management

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2008, I electronically filed the foregoing *pleading* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: W. Perry Hall, Vincent F. Kilborn, III, David Allen McDonald, Jeffrey Rayborn Sport, J. Trent Scofield, T. Scott Kelly, and Matthew K. Johnson.

/s/ Henry C. Barnett, Jr.

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